

RECEIVED

DOCKET FILE COPY ORIGINAL

JAN 27 1993

REED SMITH SHAW & McCLAY

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036

202-457-6100

FAX 202-457-6113
TELEX NO. 64711

WRITER'S DIRECT DIAL NUMBER

(202) 457-8950

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA

DOCKET FILE COPY ORIGINAL

January 27, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

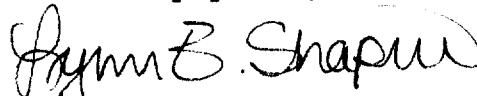
Re: Reply Comments of Intellicall, Inc.
Docket No. 92-237, Phase II

Dear Ms. Searcy:

Transmitted herewith on behalf of Intellicall, Inc.
are an original and four (4) copies of its Reply Comments in the
above-referenced proceeding.

Should any questions arise in connection with this
filing, kindly contact the undersigned counsel directly. Thank
you for your attention to this matter.

Sincerely yours,


Lynn E. Shapiro

LES/jes
Enclosures

No. of Copies rec'd
List A B C D E

044

RECEIVED

JAN 27 1993

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administering of the) CC Docket No. 92-237
North American Numbering Plan) Phase II
)
)

REPLY COMMENTS OF INTELICALL, INC.

Intellicall, Inc. ("Intellicall"), by its attorneys and pursuant to the Commission's October 29, 1992 Notice of Inquiry in the above-captioned proceeding, hereby submits its Reply Comments and states the following:

I. INTRODUCTION

In its Comments filed December 24, 1992, Intellicall argued that conversion to four digit carrier identification codes ("CICs") will be onerous and that the Commission should take steps to determine if this burden can be avoided, such as be reclaiming CICs assigned for non-access purposed.

The Comments demonstrate that the burden of converting to four digit CICs would fall not just on Intellicall, but on many equipment manufacturers, as well as the owners of pay telephone equipment that may be rendered obsolete. Thus, contrary to claims of LECs in this proceeding, there is no industry consensus on CIC conversion. The Commission must therefore closely examine alternatives to this conversion, such as the reclamation effort proposed by Intellicall and others.

**II. CONTRARY TO THE POSITION OF MANY LOCAL EXCHANGE COMPANIES,
THERE IS NOT INDUSTRY CONSENSUS ON THE CONVERSION TO
FOUR DIGIT CIC CODES**

Many local exchange companies ("LECs") filing comments in this proceeding stated that there is industry consensus on the conversion to four digit CICs. See Comments of NYNEX at 2; Comments of Ameritech at 1-2; Comments of Southwestern Bell at 10; Comments of Bell South at 19-21; Comments of Pacific Telesis at 8; Comments of Bellcore at 9. Specifically, the LECs cite to the guidelines established under the auspices of the Industry Carriers Compatibility Forum ("ICCF") which mandate conversion to four digit CICs in the first half of 1995. While Intellicall does not dispute the effort that went into devising the ICCF Guidelines, they cannot be characterized as representing an industry consensus.

The "industry" in this instance is made up not only of carriers, but also equipment manufacturers, such as Intellicall, that would be required to make extensive equipment modifications to accommodate four digit CICs. As described in Intellicall's Comments at 4-5, to accommodate four digit CICs in all pay telephone equipment the electronics of many phones would have to be replaced or extensively modified. Further, the equipment of many private pay telephone providers would be rendered obsolete. This position is corroborated by The American Public Communications Council ("APCC") and the North American Telecommunications Association ("NATA"), both equipment manufacturer trade associations. See Comments of APCC at 4-5; Comments of NATA at 3-4.

The cost of such conversion is not trivial. In addition to the significant cost of modifying pay telephone equipment to accommodate four digit CICs, the customer confusion that would result from such a change must not be ignored. Millions of dollars have been spent implementing the "10XXX" access requirement and training consumers to use this form of access. If "10XXX" were replaced by "101XXXX" access codes, consumers would have to be retrained, and the equipment modification and consumer training expenditures will have been money down the drain. These costs extend beyond U.S. boundaries. See Comments of Unitel at 5.

The record demonstrates that there is no industry consensus. Neither Intellicall, nor any equipment manufacturer of which it is aware, participated in developing the ICCF Guidelines. Further, the comments in this proceeding indicate that consensus does not even exist among carriers, many of which support reclamation efforts as a solution to the current CIC shortage. See infra at Section III.

Intellicall urges the Commission to carefully consider alternative measures for preserving three digit CICs prior to resorting to a remedy the costs of which may very well outweigh the benefits. If the Commission were to mandate conversion to four digit CIC codes without conducting such an examination of alternatives, it would be encouraging inefficiency in the industry as opposed to conservation.

III. THE COMMISSION SHOULD CONSIDER ALTERNATIVES TO MANDATING FOUR DIGIT CODES

Several commenters argue that there is no alternative to conversion to four digit codes. See e.g. Comments of Southwestern Bell at 10; Comments of USTA at 10-11. However, as stated in its December 24, 1992 Comments, Intellicall believes that an examination of current uses and users of CICs will show that many CICs are currently being used for purposes other than carrier access dialing, and that such codes may be available for reassignment. The result of such reassignment would be more efficient use of available three digit CIC codes, thereby avoiding the need to convert to four digit codes. This position was supported by other commenters. See e.g. Comments of Centel at 4; Comments of Ad Hoc Communications Users at 34. Comments of American Public Communications Council at 6; Comments of North American Telecommunications Association at 5-6; Comments of North Pittsburgh Telephone Co. at 4. Still others argued that the transition to four digit CICs should be delayed as long as possible. See Comments of AT&T at 8; Comments of Sprint at 10-11.

Contrary to the position that no alternatives to four digit conversion exist, there is clearly support for a reclamation effort as a first step toward curing the current CIC shortage. As the cost of such an effort is minimal, particularly in comparison to the massive expenditures required to convert to four digit CICs, it would be prudent policy to, at a minimum, examine whether there are alternatives to current nonessential CIC uses.

The ICCF CIC Administrative Guidelines contain a procedures for reclaiming CICs not being used for access purposes. See ICCF Guideline 5.2 and 5.3, attached as Exhibit 1. Guideline 5.2 provides that CICs not being used for access service will be reclaimed after a six month period. The reclaimed code will then be made available for reassignment after an idle period of at least six months. Guideline 5.3 provides that where there is no usage associated with a given CIC for two consecutive quarters, the CIC may be subject to reclamation.

Intellicall supports these reclamation procedures. However, it believes that unnecessary delays are built in. There is no need for a reclaimed code to remain idle for a six month period. Such codes should be available for reassignment as soon as administratively possible after reclamation, ensuring that the maximum number of CICs are available for assignment at any given time. Further, a determination that a CIC is not being used can be made before two quarters have passed. The fact that CICs are limited in number should serve as an incentive to move expeditiously in reclaiming codes and may obviate the need for a conversion to four digit codes.

IV. CONCLUSION

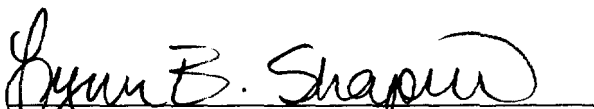
Neither Intellicall, nor any equipment manufacturer of which is aware, is a party to an "industry consensus" in favor of four digit CICs. No such "consensus" exists. The burdens that conversion to four digit CICs would generate for manufacturers, pay telephone providers and consumers are large and undisputed.

Before imposing these burdens, the Commission should examine whether the alleged shortage of CICs can be cured through less drastic means, including those suggested in the record.

Respectfully submitted,

INTELLICALL, INC.

By:



Judith St. Ledger-Roty

Lynn E. Shapiro

Its Attorneys

REED SMITH SHAW McCLAY

1200 18th Street, N.W.

Washington, D.C. 20036

(202) 457-6100

Dated: January 27, 1993

EXHIBIT 1

ICCF CIC ADMINISTRATIVE
GUIDELINE 5.2

ICCF

Industry Carriers
Compatibility Forum

ATTACHEMENT B
ICCF 92-0726-002
Page 1 of 13

Under the auspices of the
Carrier Liaison Committee

290 W. Mount Pleasant Avenue
Livingston, New Jersey 07039
Fax: (201) 740-6949

Madeline Bogdan
Moderator
Room: 4D249
Phone: 201 740-4612

Dawne Drake
Secretary
Room: 4C227
Phone: 201 740-4657

CIC

ADMINISTRATIVE GUIDELINES

ICCF Administrative Guidelines
Task Force

Co-Chairs

Mike Bennett
Southwestern Bell

Bob Hirsch
AT&T

Sponsored by the Exchange Carriers
Standards Association

An entity can be assigned a maximum of two "special use" CICs. It is expected that such codes will be required infrequently and that few "special use" codes will be assigned. The industry will review the category of "special use" CICs annually, but will meet at the time the NANPA assigns the second "special use" code to a specific entity in order to examine the needs which required the assignments and, if necessary, to consider a change to the assignment limits.

4.5 CIC Limit Review

The number of CICs assignable per entity will be reviewed annually, beginning one year after the introduction of four digit FG B codes, or when needed as determined by the industry. It is intended that these reviews investigate the potential for further expansion of the number of codes per entity.

5.0 Disposition of Codes

5.1 Requirement for Code Retention

It is expected that CICs, when assigned, will be placed in service within a reasonable time. Specifically, access service associated with the CIC must be obtained, and the CIC must show usage. Absent such service and usage, a reclamation process will be initiated consistent with Sections 5.2 and 5.3.*

5.2 Requirement for Access

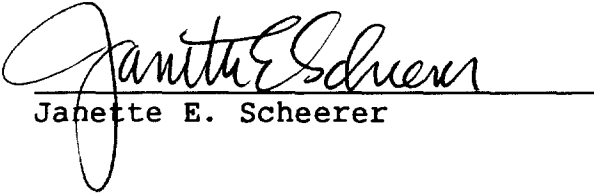
If access service associated with a CIC has not been established within four months of the date of code assignment, the NANPA will inquire regarding the status of the CIC and, if appropriate, a certified letter will be sent to the entity initiating the reclamation process. The letter will state that the NANPA intends to reclaim the CIC at the end of a 60 day period if access service has not been established. The entity will also be notified by letter if the code assignment is withdrawn.

Any code reclaimed will be made available for assignment by the NANPA after an idle period of at least six months.

* Reclamation Process: The procedure whereby NANP administration, as maintenance agent for the CIC assignment guidelines, recovers codes which do not meet the requirements specified in the guidelines. (Note: NANP administration has the responsibility to attempt to recover numbering resources, especially unused numbering resources, as the situation requires. These guidelines confer no enforcement authority. Actual enforcement authority resides with the appropriate governmental or regulatory body.)

CERTIFICATE OF SERVICE

I, Janette E. Scheerer, a secretary in the law office of Reed Smith Shaw & McClay, do hereby certify that I have, on this 27th day of January, 1993, had a true and correct copy of the foregoing REPLY COMMENTS of Intellicall, Inc. mailed by U.S. first class mail, postage pre-paid, to the people listed on the attached service list.


Janette E. Scheerer

SERVICE LIST FOR CC DOCKET 92-237

James D. Ellis
William J. Free
Mark P. Royer
One Bell Center, Rm 3524
St. Louis, MO 63101-3099

M. de B. Brown
130 Kearny St., Rm. 3659
San Francisco, CA 94108

William Barfield
Thompson T. Rawls II
1155 Peachtree Street, N.E.
Suite 1800
Atlanta, Georgia 30367-6000

Daniel L. Bart
1850 M Street, N.W., Suite 1200
Washington, D.C. 20036

Floyd S. Keene
Mark R. Ortlieb
Larry A. Peck
2000 W. Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196-1025

A.A. Kurtze
Executive Vice President
Centel Corporation
8725 Higgins Road
Chicago, IL 60631

Dr. Lee L. Selwyn
Economics and Technology, Inc.
One Washington Mall
Boston, Mass. 02108

James P. Tuthill
Nancy C. Woolf
140 New Montgomery St., Rm. 1523
San Francisco, CA 94105

James L. Wurtz
1275 Pennsylvania Ave., NW
Washington, D.C. 20004

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919

Michael S. Slomin
Bell Communications Research, Inc.
290 West Mount Pleasant Avenue
Livingston, New Jersey 07039

Francine J. Berry
R. Steven Davis
Albert M. Lewis
Room 3244J1
295 North Maple Avenue
Basking Ridge, NJ 07920-1002

Theodore D. Frank
Vonya B. McCann
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

James S. Blaszak, Esq.
Gardner, Carton & Douglas
1301 K Street, NW
Washington, D.C. 20005

Mary McDermott
Campbell L. Ayling
120 Bloomingdale Road
White Plains, NY 10605

Daniel L. Brenner
David L. Nicoll
1724 Massachusetts Ave., NW
Washington, D.C. 20036

Bruce D. Jacobs
Glenn S. Richards
Fisher, Wayland, Cooper & Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037

Jeffrey S. Bork
Laurie Bennett, Of Counsel
1020 19th Street, N.W., Suite 700
Washington, D.C. 20036

Martin T. McCue
Linda Kent
900 19th Street, NW, Suite 800
Washington, D.C. 20006-2105

Jay C. Keithley
Leon Kestenbaum
Phyllis Whitten
Norina Moy
1850 M Street, NW, Suite 1100
Washington, D.C. 20036

Linda D. Hershman
Vice President
227 Church Street
New Haven, Connecticut 06510

Thomas E. Taylor
Christopher J. Wilson
2500 Central Trust Center
201 East Fifth Street
Cincinnati, OH 45202

David C. Henny, President
Whidbey Telephone Company
2747 E. State Highway 525
Langley, WA 98260-9799

Lon C. Levin
Vice President
and Regulatory Counsel
AMSC Subsidiary Corporation
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Paul Rodgers
Charles D. Gray
James Bradford Ramsay
1102 ICC Building
P.O. Box 684
Washington, D.C. 20044

John M. Goodman
Charles H. Kennedy
James R. Young
1710 H Street, NW
Washington, D.C. 20006

W. Richard Morris
P.O. Box 11315
Kansas City, MO 64112

Andrew D. Lipman
Russell M. Blau
Swidler & Berlin, Chartered
3000 K Street, N.W.
Washington, D.C. 20007

Steven E. Watkins
David Cosson
2626 Pennsylvania Ave., NW
Washington, D.C. 20037

Josephine S. Trubek
Michael J. Shortley, III
Rochester Telephone Corporation
180 South Clinton Avenue
Rochester, New York 14646

James L. Casey
Ass't General Counsel
1301 Pennsylvania Ave., NW
Washington, D.C. 20004

G.A. Gorman
Executive Vice President and
General Manager
North Pittsburgh Telephone Company
4008 Gibsonia Road
Gibsonia, PA 15044-9311

Roy L. Morris
Deputy General Counsel
1990 M Street, NW, Suite 500
Washington, D.C. 20036

H.R. Burrows
Bell Canada
F4, 160 Elgin St.
Ottawa, Ontario, Canada K1G 3J4

John L. Bartlett
Robert J. Butler
Wiley, Rein & Fielding
1776 K Street, NW
Washington, D.C. 20006

Mark H. Goldberg
Executive Director -
Regulatory Matters/Technology
Unitel Communications Inc.
200 Wellington Street West
Toronto, Ontario M5V 3C7